

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SANTOSH BHARDWAJ,

Plaintiff,

- *against* -

PRABHU DAYAL, CHANDINI DAYAL and AKANSHA
DAYAL,

Defendants.

No. 11 Civ. 4170 (AKH)

NOTICE OF MOTION

PRABHU DAYAL,

Counterclaim-Plaintiff,

- *against* -

SANTOSH BHARDWAJ,

Counterclaim-Defendant,

-and-

HOLLIS PFITSCH and
THE LEGAL AID SOCIETY,

Additional Defendants on Counterclaims.

PLEASE TAKE NOTICE that, Hollis Pfitsch and the Legal Aid Society ("LAS") will move this Court at the United States Courthouse for the United States District Court for the Southern District of New York, Courtroom 14D, 500 Pearl Street, New York, New York on a date and time as may be designated by the Court, for an Order, pursuant to Rule 12(b)(6) or, in the alternative, Rule 56 of the Federal Rules of Civil Procedure, dismissing with prejudice the First and Second Counterclaims asserted against them in the Second Amended Answer and First Amended Counterclaims of Defendant Prabhu Dayal, filed February 3, 2012 (Docket No. 36).

PLEASE TAKE FURTHER NOTICE that in support of this motion, Hollis Pfitsch and LAS shall rely upon the Second Amended Answer and First Amended Counterclaims of Defendant Prabhu Dayal, the Memorandum of Law of Hollis Pfitsch and the Legal Aid Society in Support of their Motion to Dismiss and for Summary Judgment Dismissing Counterclaims, the Affidavit of Floyd Abrams, sworn to March 8, 2012, the Affidavit of Hollis Pfitsch, sworn to March 8, 2012, and the Affidavit of Patricia Bath, sworn to March 7, 2012, together with the attachments to the foregoing affidavits.

Dated: New York, New York
March 8, 2012

CAHILL GORDON & REINDEL LLP

By: s/ David G. Januszewski
Floyd Abrams
David G. Januszewski
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ATTORNEYS FOR ADDITIONAL
DEFENDANTS ON COUNTERCLAIMS
HOLLIS PFITSCH AND THE LEGAL AID
SOCIETY